

## **Comment to Proposed Rules**

### **Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications**

(Notice of proposed rulemaking published July 9, 2001, 66 FR 35763)

The Office has determined that CPA practice for utility and plant applications is costly and inefficient. Thus the Office is now proposing to eliminate CPA practice as to utility and plant applications. The inference is that RCE practice is less costly and more efficient and that it would therefore benefit the Office if CPAs were filed as RCEs.

However, as discussed in *Request for Continued Examination Practice and Changes to Provisional Application Practice*, 65 FR50091 (Aug. 16, 2000), there are benefits under the AIPA for applications filed on or after May 29, 2000, which extend to CPAs of applications filed before that date. Therefore it cannot be assumed that most or even many of the CPAs now being filed would be filed as RCEs if CPA practice were to be eliminated.

It is our expectation that if CPA practice was eliminated, applications we now file as CPAs would instead be filed as continuation applications under § 1.53(b). We fail to see how eliminating CPA practice will reduce costs or increase the efficiency of the Office if any significant portion of applications that are now filed as CPAs are filed as continuation applications.

We urge the Office to reconsider the benefits to the Office of eliminating CPA practice and to consider the burden to applicants of having to file continuation applications under § 1.53(b) solely to obtain a current filing date.

Respectfully submitted,  
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